

JC06 Rec'd PCT/PTO 06 MAY 2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
REQUEST FOR FILING NATIONAL PHASE OF  
PCT APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495**

To: Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)

Atty Dkt: 46244 /  
M# /Client Ref.

From: Manelli Dension & Selter:

Date: May 6, 2005

This is a **REQUEST** for **FILING** a PCT/USA National Phase Application based on:

- |   |   |             |                 |             |     |       |      |   |          |                 |             |     |       |      |
|---|---|-------------|-----------------|-------------|-----|-------|------|---|----------|-----------------|-------------|-----|-------|------|
| 1. International Application<br><br><u>PCT/JP03/14210</u><br><u>JP</u> country code | 2. International Filing Date<br><br><table border="0"> <tr> <td><u>7</u></td> <td><u>November</u></td> <td><u>2003</u></td> </tr> <tr> <td>Day</td> <td>MONTH</td> <td>Year</td> </tr> </table> | <u>7</u>    | <u>November</u> | <u>2003</u> | Day | MONTH | Year | 3. Earliest Priority Date Claimed<br><br><table border="0"> <tr> <td><u>7</u></td> <td><u>November</u></td> <td><u>2002</u></td> </tr> <tr> <td>Day</td> <td>MONTH</td> <td>Year</td> </tr> </table><br>(use item 2 if no earlier priority) | <u>7</u> | <u>November</u> | <u>2002</u> | Day | MONTH | Year |
| <u>7</u>  | <u>November</u>   | <u>2003</u> |                 |             |     |       |      |   |          |                 |             |     |       |      |
| Day   | MONTH   | Year        |                 |             |     |       |      |   |          |                 |             |     |       |      |
| <u>7</u>  | <u>November</u>   | <u>2002</u> |                 |             |     |       |      |   |          |                 |             |     |       |      |
| Day   | MONTH   | Year        |                 |             |     |       |      |   |          |                 |             |     |       |      |
4. Measured from the earliest priority date in item 3, this PCT/USA National Phase Application Request is being filed within:

(a) ☐ 20 months from above item 3 date      (b) ☒ 30 months from above item 3 date,

(c) Therefore, the due date (unextendable) is 7 May 2005

5. Title of Invention: METHOD FOR PRODUCING FERMENTED BEVERAGES

6. Inventor(s) Yuji NISHIDA, Taichi MARUHASHI, Hiroki FUJITA and Nobuyuki FUKUI

Applicant herewith submits the following under 35 U.S.C. 371 to effect filing:

7. ☒ Please immediately start national examination procedures (35 U.S.C. 371 (f)).
8. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2)) is transmitted herewith (file if in English but, if in foreign language, file only if not transmitted to PTO by the International Bureau) including:
- a. ☐ Request;
- b. ☐ Abstract;
- c. pgs. Spec. and Claims;
- d. sheet(s) Drawing which are ☐ informal ☐ formal of size ☐ A4 ☐ 11"
9. ☒ A copy of the International Application has been transmitted by the International Bureau.
10. A translation of the International Application into English (35 U.S.C. 371(c)(2))
- a. ☒ is transmitted herewith including: (1) ☒ Request; (2) ☒ Abstract;
- (3) 33 pgs. Spec. and Claims;
- (4) 7 sheet(s) Drawing which are:
- ☐ informal ☒ formal of size ☒ A4 ☐ 11"
- b. ☐ is not required, as the application was filed in English.
- c. ☐ is not herewith, but will be filed when required by the forthcoming PTO Missing Requirements Notice per Rule 494(c) if box 4(a) is X'd or Rule 495(c) if box 4(b) is X'd.
- d. ☒ Translation verification attached (not required now).

11. ☒ **PLEASE AMEND** the specification before its first line by inserting as a separate paragraph:  
 a. ☒ --This application is the national phase of international application PCT/JP03/14210 filed 7 November 2003 which designated the U.S.--  
 b. ☐ --This application also claims the benefit of U.S. Provisional Application No. 60/\_\_\_\_\_, filed \_\_\_\_\_--
12. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)), i.e., **before 18th month from first priority date above in item 3, are transmitted herewith (file only if in English) including:**
13. ☒ PCT Article 19 claim amendments (if any) have been transmitted by the International Bureau
14. ☐ Translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)), i.e., of **claim amendments made before 18th month, is attached (required by 20th month from the date in item 3 if box 4(a) above is X'd, or 30th month if box 4(b) is X'd, or else amendments will be considered canceled).**
15. **A declaration of the inventor** (35 U.S.C. 371(c)(4))  
 a. ☒ is submitted herewith ☐ Original ☐ Facsimile/Copy  
 b. ☐ is not herewith, but will be filed when required by the forthcoming PTO Missing Requirements Notice per Rule 494(c) if box 4(a) is X'd or Rule 495(c) if box 4(b) is X'd.
16. **An International Search Report (ISR):**  
 a. Was prepared by ☐ European Patent Office ☒ Japanese Patent Office ☐ Other  
 b. ☒ has been transmitted by the international Bureau to PTO.  
 c. ☒ copy herewith (2 pg(s).) ☐ plus Annex of family members (\_\_\_\_ pg(s).).
17. **International Preliminary Examination Report (IPER):**  
 a. ☐ has been transmitted (if this letter is filed after 28 months from date in item 3) in English by the International Bureau with Annexes (if any) in original language.  
 b. ☐ copy herewith in Japanese.  
 c.1 ☐ IPER Annex(es) in original language ("Annexes" are amendments made to claims/spec/drawings during Examination) including attached amended:  
 c.2 ☐ Specification/claim pages # \_\_\_\_\_  
 Dwg Sheets # \_\_\_\_\_  
 d. ☐ Translation of Annex(es) to IPER **(required by 30<sup>th</sup> month due date, or else annexed amendments will be considered canceled).**
18. **Information Disclosure Statement (IDS) including:**  
 a. ☒ **Two** (2) Attached Form PTO-1449 listing documents with one separate IDS  
 b. ☒ Attached copies of documents listed on one first Form PTO-1449 (not listed on the ISR)  
 c. ☒ A concise explanation of relevance of ISR references on second PTO-1449 is given in the ISR.
19. ☒ **Assignment** document and Cover Sheet for recording are attached. Please mail the recorded assignment document back to the person whose signature, name and address appear at the end of this letter.
20. ☐ Copy of Power to IA agent.
21. ☒ **Drawings** (complete only if 8d or 10a(4) not completed): 7 sheet(s) per set: ☐ 1 set informal; ☒ Formal of size ☒ A4 ☐ 11"
22. Small Entity Status ☒ is **Not** claimed ☐ is claimed (**pre-filing confirmation required**)  
 22(a) \_\_\_\_\_ (No.) Small Entity Statement(s) enclosed (since 9/8/00 Small Entity Statements(s) not essential to make claim)
23. [ X ] **Priority** is hereby claimed under 35 U.S.C. 119/365 based on the priority claim and the certified copy, both filed in the International Application during the international stage based on the filing in (country) JAPAN of:  

	Application No.	Filing Date		Application No.	Filing Date
(1)	<u>JP324556/2002</u>	<u>November 7, 2002</u>	(2)	_____	_____
(3)	_____	_____	(4)	_____	_____
(5)	_____	_____	(6)	_____	_____

 a. ☒ See Form PCT/IB/304 sent to US/DO with copy of priority documents. If copy has not been received, please proceed promptly to obtain same from the IB.  
 b. ☒ Copy of Form PCT/IB/304 attached.

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24. Attached: 1. Forms PCT/IB/308  
2. Cover page of published international application WO 2004/041992 (contains English Abstract)
25. **Preliminary Amendment:** 1) Enter attached Preliminary Amendment before fee calculation  
2)

25.5 Per Item 17.c2, cancel original pages #\_\_\_\_, claims #\_\_\_\_, Drawing Sheets #\_\_\_\_

26. **Calculation of the U.S. National Fee (35 U.S.C. 371 (c)(1)) and other fees is as follows:**  
Based on amended claim(s) per above item(s) ☐ 12, ☐ 14, ☐ 17, ☒ 25, ☐ 25.5 (hilitte)

Total Effective Claims	56	minus 20 =	36	x \$50.00	Calculations
Independent Claims	9	minus 3 =	6	x \$200.00	\$1,800.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				\$360.00	\$1,200.00
					\$360.00

27. **BASIC FEE** ----- \$300.00 \$300.00

28. **EXAMINATION FEE**

If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4) -----

\$100.00

All other situations -----

\$200.00

\$200.00

29. **APPLICATION SIZE FEE**

Over 100 sheets, \$250.00 for each additional 50 sheets or fraction thereof

x \$250.00

\$0

Total sheets = 41

30. **SEARCH FEE**

Search fee (37 CFR 1.455(a)(2)) has been paid on the international application to the

USPTO as an International Searching Authority -----

\$100.00

International Search Report prepared and provided to the USPTO (if 16.a above is X'd)

\$400.00

\$400.00

All other situations -----

\$500.00

TOTAL OF ABOVE CALCULATIONS = \$4,260.00

31. ☐ Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2

- 0

SUBTOTAL= \$4,260.00

32. Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).

TOTAL NATIONAL FEE = \$4,260.00

33. If Assignment box 19 above is X'd, add Assignment Recording fee of -----\$40.00

\$40.00

34. Attached is a check to cover the ----- **TOTAL FEES ENCLOSED =**

\$4,300.00

Our Deposit Account No. 50-0687

Our Order No. 46244

**CHARGE STATEMENT:** The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 and 492 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown above for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

Manelli Denison & Selter  
2000 M Street N.W., 7<sup>th</sup> Floor  
Washington, DC 20036

**CUSTOMER NO. 20736**

By Atty: Paul E. White, Jr.

Reg. No. 32,011

Sig:

*Paul E. White, Jr.*

Fax: 202-887-0336  
Tel: 202-261-1050

VERIFICATION OF A TRANSLATION

I, the below named translator, hereby declare that:

My name and post office address are as stated below;

That I am knowledgeable in the English language and in the language in which the below identified application was filed, and that I believe the English translation of International Application No. PCT/JP03/14210 is a true and complete translation of the above-identified International Application as filed.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated this 13th day of April, 2005

Full name of the translator: Osamu YAMAMOTO

Signature of the translator:



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